



# Journal of the Senate

State of Indiana

121st General Assembly

Second Regular Session

First Meeting Day

Tuesday Afternoon

November 19, 2019

The members of the Senate of the One Hundred and Twenty-First General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the nineteenth day of November, 2019, A.D., at 1:30 p.m., being the day fixed by law for the convening of the Second Regular Session of the General Assembly, viz:

"...the second regular session of each term of the General Assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year for the purpose of establishing the first day of the second regular session."

The Senate convened at 1:37 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Senator Travis L. Holdman.

The Pledge of Allegiance to the Flag was led by Senator Holdman.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Koch
Bassler	Kruse <input checked="" type="checkbox"/>
Becker	Lanane
Bohacek	Leising
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buchanan	Mrvan
Buck	Niemeyer
Busch	Niezgodski
Charbonneau	Perfect
Crane	Raatz
Crider	Randolph, Lonnie M.
Donato	Rogers
Doriot	Ruckelshaus
Ford, J.D.	Sandlin
Ford, Jon	Spartz
Freeman	Stoops
Garten	Tallian <input checked="" type="checkbox"/>
Gaskill	Taylor, G.
Glick	Tomes <input checked="" type="checkbox"/>
Grooms	Walker
Holdman	M. Young
Houchin	Zay

Roll Call 1: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present.

## REPORT OF THE PRESIDENT

### PRO TEMPORE

Madam President: I hereby report that in a letter dated July 29, 2019, Senator Randall Head resigned his seat at the Indiana State Senate effective 11:59 pm on August 12, 2019.

Pursuant to the provisions of IC 3-13-5, the attached documents are submitted for inclusion in the Journal of the Senate:

1. The President Pro Tempore's Notification to the Indiana Republican Party State Chairman of Senator Head's resignation.
2. Indiana Republican Party State Chairman's Certification of Selection of Stacey Donato to fill the vacancy in the office of the Indiana Senate, District 18 and the President Pro Tempore's Notice to the Indiana Secretary of State acknowledging receipt of the Indiana Republican Party State Chairman's Certification of Selection of Stacey Donato.
3. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Stacey Donato to fill the vacancy in the office of the Indiana Senate, District 18.
4. Report of the President Pro Tempore on administration of the oath of office by Chief Justice Loretta H. Rush on September 17, 2019.

BRAY

Report adopted.

July 31, 2019

Mr. Kyle Hupfer  
Republican State Chairman  
Indiana Republican State Committee  
101 W. Ohio St. #2200  
Indianapolis, IN 46204

Dear Mr. Chairman:

Pursuant to IC 5-8-3.5-1(b), I hereby officially notify you of Senator Randy Head's resignation from the Indiana State Senate effective on August 12, 2019. A copy of his letter is enclosed.

Best regards,  
Rodric Bray  
President Pro Tempore

Enclosure

## CERTIFICATION OF APPOINTMENT TO A VACANT STATE LEGISLATIVE OFFICE

TO THE HONORABLE RODRIC BRAY  
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, a vacancy occurred in the office of Indiana Senate District 18, on August 12, 2019, due to the resignation of the Senator Randy Head, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, the duly elected and acting state chairman of the Indiana Republican Party set the place, date, and time of a caucus comprised of the eligible precinct committeemen from Indiana Senate District 18 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, the state chairman or his duly appointed designee presided over the aforesaid caucus, which was conducted on September 9, 2019;

WHEREAS, the caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana Senate District 18 to fill this vacancy;

WHEREAS, the individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Senate Secretary, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the President Pro Tempore of the Indiana Senate; and

WHEREAS, under Indiana Code 3-13-5-6, the President Pro Tempore of the Indiana Senate is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana Senate on the day when the individual is seated, (or if this certificate is received after the adjournment sine die of the General Assembly, on the first day that the Indiana Senate is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of the State of Indiana;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING CHAIRMAN OF THE INDIANA REPUBLICAN STATE COMMITTEE,

(1) I certify Stacey Donato was selected by the aforesaid caucus to fill the vacancy existing in the Office of the Indiana Senate District 18.

- (2) I request that the President Pro Tempore of the Indiana Senate acknowledge receipt of the Certificate by his signature below as provided for by Indiana Code 3-13-5-6.
- (3) I request that the President Pro Tempore of the Indiana Senate include a copy of this Certificate in the Journal of the Indiana Senate as provided by Indiana Code 1-3-5-6.
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 9th DAY OF SEPTEMBER, 2019.

Kyle Hupfer  
Indiana Republican State Chairman

### ACKNOWLEDGMENT OF RECEIPT BY THE PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

I hereby acknowledge receipt of this Certificate by my signature below this 10th day of September, 2019.

Rodric Bray  
President Pro Tempore of the Indiana Senate

## CERTIFICATE OF SELECTION TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE RODRIC BRAY  
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 18, on August 12, 2019, due to the resignation of the Honorable Randy Head, who was elected to that office as a candidate of the Indiana Republican Party;

WHEREAS, On September 9, 2019, a caucus composed of Republican Party precinct committeemen from Indiana Senate District 18 selected Stacey Donato to fill the vacancy in Indiana Senate District 18;

WHEREAS, The State Chairman of the Indiana Republican Party certified the selection of Stacey Donato to fill the vacancy in the office of Indiana State Senator, District 18, to the President Pro Tempore of the Indiana Senate and the President Pro Tempore of the Indiana Senate acknowledged receipt of the certification;

WHEREAS, The President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE INDIANA SECRETARY OF STATE, I certify that the Honorable Stacey Donato has been selected to fill the vacancy in the office of Indiana State Senate, District 18.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 13th day of September, 2019, being the 244th year of the Independence of the United States, and the 203rd year of Statehood of Indiana.

Connie Lawson  
Indiana Secretary of State

### **REPORT OF THE PRESIDENT PRO TEMPORE**

Madam President: I hereby report that on September 17<sup>th</sup>, 2019, Senator Stacey Donato was sworn-in to office to represent District 18. Justice Mark S. Massa administered the oath of office in the Senate Chamber.

BRAY, Chair

Report adopted.

### **SENATE MOTION**

Madam President: I move that Senators Houchin, Bohacek, Stoops and Breaux be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Houchin shall serve as Chair of the Committee.

BRAY

Motion prevailed.

### **REPORTS FROM COMMITTEES**

#### **COMMITTEE REPORT**

Madam President: The Committee appointed to notify the House of Representatives that the Senate has met, has formed a quorum and is organized and ready for the transaction of legislative business respectfully reports that it has so informed the House of Representatives.

HOUCHIN, Chair  
BOHACEK  
STOOPS  
BREAUX

Report adopted.

### **SENATE MOTION**

Madam President: I move that Senators Raatz, Bassler, G. Taylor and Melton be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative

business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly. Senator Raatz shall serve as Chair of the Committee.

BRAY

Motion prevailed.

### **REPORTS FROM COMMITTEES**

#### **COMMITTEE REPORT**

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Governor to notify him of the convening of both Houses of the General Assembly, to inform him that they are ready to transact legislative business, and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly has performed the duties assigned to it. The committee begs leave to report that it has learned that the Governor will communicate with the General Assembly on a date and at a time to be fixed at a later date.

RAATZ, Chair  
BASSLER  
G. TAYLOR  
MELTON

Report adopted.

### **PRESIDENT PRO TEMPORE REPORT OF AMENDED COMMITTEE AND SUBCOMMITTEE APPOINTMENTS**

Madam President: President Pro Tempore Rodric Bray hereby announces and reports the following amended committee, subcommittee and chairperson appointments, pursuant to Rule 32 of the Standing Rules and Orders of the Senate of the 121<sup>st</sup> General Assembly.

#### **Judiciary**

Sen. Eric Koch (Chair)	Sen. Lonnie Randolph (RMM)
Sen. Michael Young (RM)	Sen. Timothy Lanane
Sen. Mike Bohacek	Sen. Greg Taylor
Sen. James Buck	
Sen. Jon Ford	
Sen. Aaron Freeman	
Sen. Susan Glick	
Sen. Linda Rogers	

### **SENATE MOTION**

Madam President: I move that the following resolutions be adopted:

SR 2 Senator Bray

Authorizing the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate

BRAY

Motion prevailed.

**RESOLUTIONS ON FIRST READING****Senate Resolution 2**

Senate Resolution 2, introduced by Senator Bray:

A SENATE RESOLUTION authorizing the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

*Whereas, The Postmaster of the Indiana Senate is hereby authorized to receive from the Postmaster of the City of Indianapolis all mail which may belong to the Indiana Senate and to the several members and employees thereof and which may be directed to the general delivery or care of the Senate: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Secretary of the Senate be directed to send a certified copy of this Resolution to the Postmaster of the City of Indianapolis.

The resolution was read in full and adopted by voice vote.

**Senate Resolution 4**

Senate Resolution 4, introduced by Senator Bray:

A SENATE RESOLUTION honoring Bill Hart upon his retirement from the Indiana Senate.

*Whereas, After serving over 10 years as a Senate Doorkeeper, Bill Hart will retire before the 2020 legislative session;*

*Whereas, A lifelong resident of Johnson County, Bill graduated from Clark Township High School, and went on to receive an Associates Degree in Accounting from Indiana Business College and a real estate degree from IUPUI;*

*Whereas, Before coming to the Senate, Bill served for over 30 years as the Manager of the Park Fletcher Branch of the United States Postal Service in Indianapolis, retiring in 2003;*

*Whereas, Bill also served as a member of the Greenwood Fire Department from 1967 to 1992;*

*Whereas, Since July 2018, Bill has continued his service to Johnson County by serving as the Pleasant Township Trustee;*

*Whereas, When not at the Statehouse, Bill enjoys spending time with his family and giving back to his community; and*

*Whereas, Bill will be deeply missed by Senators, staff, and all who have come to know him through his years of service to the Senate: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate honors Bill Hart upon his retirement from the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Bill Hart.

The resolution was read in full and adopted by voice vote.

**House Concurrent Resolution 1**

House Concurrent Resolution 1, sponsored by Senators Bray and Lanane:

A CONCURRENT RESOLUTION to allow the House of Representatives and the Senate of the 121st General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, respectively, may arise.

*Whereas, The Indiana House of Representatives and the Senate met for the purpose of organization of each House to conduct the public business of the people of the State of Indiana;*

*Whereas, The House of Representatives and the Senate operate on their own respective schedules, having been separated from each other under IC 2-2.1-1-3;*

*Whereas, During the consideration of legislative business, each House may, in the respective judgment of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;*

*Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without the consent of the other, adjourn for more than three (3) consecutive days;*

*Whereas, Each House desires to consent to any adjournment or recess by the other House that might last more than three (3) days during the Second Regular Session of the 121st General Assembly; and*

*Whereas, The House of Representatives and the Senate intend to recess after November 19, 2019, and meet again on January 6, 2020, to conduct legislative business: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That each House of the 121st Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 121st General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the

House of Representatives, by the Speaker of the House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to inform the Senate of the passage of the Resolution.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass? Roll Call 2: yeas 47, nays 0. The resolution was declared passed. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the Senate may transmit."

The Speaker has appointed Representatives Prescott, Vermillion, Deal and Jackson.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that a committee of four members of this House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business."

The Speaker has appointed Representatives Lauer, Sherman, Bauer and Klinker.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 1 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, Bohacek, Boots, Breaux, L. Brown, Buchanan, Buck, Busch, Charbonneau, Crane, Crider, Donato, Doriot, J.D. Ford, Jon Ford, Freeman, Garten, Gaskill, Glick, Grooms, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Melton, Merritt, Messmer, Mishler, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Lonnie M. Randolph, Rogers, Ruckelshaus, Sandlin, Spartz, Stoops, Tallian, G. Taylor, Tomes, Walker, M. Young and Zay be added as coauthors of Senate Resolution 4.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 6, 2020.

BRAY

Motion prevailed.

The Senate adjourned at 2:05 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate